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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee L. Rubin *et al.*

Art Unit: Not Yet Assigned

Serial No.: 09/355,004

Examiner: Not Yet Assigned

Filed: July 21, 1999

Customer No: 21559

Title: *In Vivo* Apoptosis Screening

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Assistant Commissioner for Patents

Washington, D.C. 20231

PETITION TO WITHDRAW NOTIFICATION OF ABANDONMENT

Under 37 C.F.R. §§ 1.8(b) and 1.181, applicants hereby petition to have the Notification of Abandonment that was mailed in the above-captioned case on May 26, 2000 withdrawn. (A copy is enclosed.) According to the Notification, the application was abandoned for applicants' failure to reply to a Notification of Missing Requirements that was mailed on September 1, 1999. However, as is explained below, a Notification of Missing Requirements was not received by applicants' attorneys.

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The undersigned, applicants' appointed attorney, first became aware of the abandonment after having received the Notification of Abandonment at her office on

May 30, 2000, and submits that this Petition to Withdraw the Notification is being promptly submitted.

In support of this Petition, enclosed is an original, signed Declaration by applicants' attorney, Susan M. Michaud, attesting on the basis of personal knowledge to the mail procedures in effect from September 1, 1999 (and before) to the present. As is stated in the Declaration, the Notification of Missing Requirements that was mailed from the Patent Office for this case on September 1, 1999 was never received by applicants' attorneys.

Also enclosed is a Submission of Missing Requirements, which includes a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.497(a) and (b), and a check for \$130.00 in payment of the surcharge required by 37 C.F.R. § 1.492(e) for a large entity.

Applicants request that the Notification of Abandonment be withdrawn.

If there are any additional charges or any credits, please apply them to Deposit

Account No. 03-2095.

Respectfully submitted,

Date: January 31, 2001

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